

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION

JIMMY LEE RHODES,)
Plaintiff,)
v.) CV 123-141
DANIEL J. CRAIG and)
THE STATE OF GEORGIA,)
Defendants.)

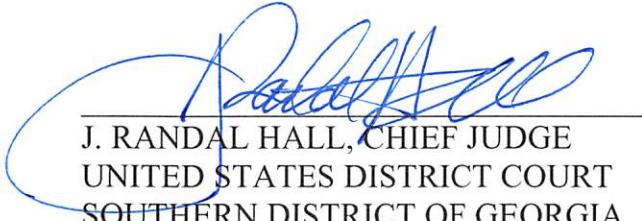
O R D E R

After a careful, *de novo* review of the file, the Court concurs with the Magistrate Judge's Report and Recommendation, to which objections have been filed. (Doc. nos. 11, 12.) The Magistrate Judge recommended dismissing the case without prejudice because Plaintiff failed to return the Prisoner Trust Fund Account Statement and Consent to Collection of Fees forms which are required to proceed *in forma pauperis* ("IFP"). (See doc. no. 9; see also doc. no. 8-1 (providing requisite forms to Plaintiff).) In his objections, Plaintiff states he is "destitute" and claims prison officials are providing him with inadequate medical care. (See generally doc. nos. 11, 12.) As to his failure to return the necessary IFP paperwork, Plaintiff asserts he has included with the objections financial statements, to include a "Letter of Trust Fund Statement," as well as a "[l]etter of intent to answer any questions" about prior complaints and this lawsuit. (Doc. no. 11, p. 2; doc. no. 12, p. 2.) Notably, however, there are no enclosures provided with either filing.

Moreover, Plaintiff completely fails to address the Magistrate Judge's finding that Plaintiff failed to return the Consent to Collection of Fees form, a document which requires no input from any prison official. In sum, Plaintiff has neither fulfilled the requirements for proceeding IFP, nor paid the full filing fee. Nothing in the objections changes the analysis that the case is, therefore, due to be dismissed.

Accordingly, the Court **OVERRULES** the objections, **ADOPTS** the Report and Recommendation of the Magistrate Judge as its opinion, **DISMISSES** this case without prejudice, and **CLOSES** this civil action.

SO ORDERED this 12th day of December, 2023, at Augusta, Georgia.



J. RANDAL HALL, CHIEF JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA